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Concl

25. A pharmaceutical composition comprising an effective amount of a soluble human 4-IBB of claim 21 in admixture with a suitable diluent, carrier, or excipient.

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26. A pharmaceutical composition comprising an effective amount of a soluble human 4-IBB of claim 24 in admixture with a suitable diluent, carrier, or excipient.

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### REMARKS

The Examiner made a restriction requirement in the parent case. This application is filed as divisional application of Group II in the Examiner's restriction requirement stated in her office action dated June 2, 1994.

#### The Immunex PCT Patent Application

A copy of a PCT patent application, publication no. WO 94/26290 is attached hereto. The publication date (November 24, 1994) is well after the filing date of the parent application, so the publication is not a reference. The PCT patent application is based upon a U.S. patent application (08/060,843, filed May 7, 1993). The applicant's attorney does not know whether additional matter and/or claims were added at the time the PCT application was filed. Therefore, the scope and potential for an interference needs to be determined by the Examiner. Please note that the

applicant's earlier applications all serve as proof of invention of the claimed cDNA and it is therefore the applicant's position that he would be the senior party if such an interference were declared.

If the Examiner disagrees, or believes for any other reason that direct contact with Applicants' attorney would advance the prosecution of the case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,  
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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the U.S. Postal Express Mail Service as Express Mail No. TB 750390738, return receipt requested, in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231 on 6/5/95.

  
Judy Barron